



CONSTITUENT ASSEMBLY OF PAKISTAN DEBATES

Monday, the 19th October, 1953

OFFICIAL REPORT

CONTENTS

	PAGES
Report of the Basic Principles Committee— <i>Consideration not concluded</i>	... 189—222

PRINTED BY THE MANAGER, GOVERNMENT OF PAKISTAN PRESS, KARACHI
PUBLISHED BY THE MANAGER OF PUBLICATIONS, KARACHI : 1953

Price : Annas 5 or 8d. or 10 cents.

CONSTITUENT ASSEMBLY OF PAKISTAN

Monday, the 19th October, 1953

The Constituent Assembly of Pakistan met in the Assembly Chamber, Karachi, at Eleven of the Clock, in the Morning, Mr. President (The Honourable Mr. Tamizuddin Khan) in the Chair.

REPORT OF THE BASIC PRINCIPLES COMMITTEE—*contd.*

Mr. President: We resume further consideration of the following motion moved by the Honourable Mr. Mohammad Ali on the 7th October, 1953 :

“That the Report of the Basic Principles Committee be taken into consideration.”

The Honourable Mr. Nurul Amin (East Bengal: Muslim): Mr. President, Sir, I was speaking on separate electorate the other day. I could not finish my speech on that point and therefore I have been allowed a few minutes today.

My Honourable friend Mr. Kamini Kumar Datta while speaking on separate electorate invoked a paragraph from the Objectives Resolution to justify his point of view on which the separate electorate was opposed. He referred to the paragraph—

“Wherein the State shall exercise its powers and authority through the chosen representatives of the people.”

Thereby he wanted to prove that but for the joint electorate the chosen representatives of the people could not be elected. In the Objectives Resolution there is no mention of joint electorate or separate electorate. The chosen representatives of the people can be elected in either way. All the people of this country do not elect a single representative. The representatives are elected by different constituencies and a section of the people of that constituency elect them—not even the entire population. When we say the people, we do not include those who are excluded from the right of franchise, *viz.*, those under 21. They are also the people of this country ; some one may argue that when you are excluding a large section of the people of this country, *viz.*, those below the age of 21, so the representatives in the various parliaments and Assemblies are not the chosen representatives of the people. So, Sir, it can be very justly said that this expression in the Objectives Resolution does not support the case either of the joint electorate or separate electorate. I do not invoke this particular statement in the Objectives Resolution in support of the separate electorate. After all representatives are elected under certain arrangements, under certain rules. The constituencies are divided and only a handful of the people of this country will elect a representative to the Parliament concerned and they will be regarded as the chosen representatives of the people ; when all the representatives will sit together, they will represent the entire people. Seven and half crores of the people in Pakistan will be represented by a handful of people, say 300 or 350. Now, Sir, what is needed is the verdict of the people, not more than that. Whether this verdict is given by males or females, people of a certain age, or people of a certain class, is no where mentioned in the Objectives Resolution. So this does not help my friend Mr. Kamini Kumar Datta. He also attempted to say that the Prime Minister of Pakistan is not or will not be his representative because he

[The Honourable Mr. Nurul Amin]

comes to the Parliament through separate electorate. That is also not correct to say ; because in the same way any other member can say that the Prime Minister does not represent him because he has not been returned by his people or by the people of his constituency or by the people of his District or by the people of his Province. That is not the criterion for the justification of the Prime Minister to represent the entire country. As soon as he is elected or appointed a Prime Minister, he represents the entire people and he upholds the rights and privileges of all the people irrespective of caste, creed, sect or religion. He stands there to represent the entire people of the country. So, Sir, I submit most respectfully that this kind of argument does not hold water. With regard to the separate electorate I was telling the House the other day that my honourable friends sitting over there have got a set idea and a prejudice against separate electorate since the Muslims demanded separate electorate for about 50 years back. In 1909 the endeavours of the Muslims were first recognised and separate electorate was conceded. Since then the Congress in fighting against separate electorate. On the same ground they have fought against the establishment of Pakistan. My Honourable friends have been elected on the Congress ticket not on the Pakistan National Congress ticket but on the Indian National Congress ticket.

An Honourable Member from Congress Benches : No, No.

The Honourable Mr. Nurul Amin : Therefore, they are bound to uphold the ideology and the view point of that Congress. They have now converted that organisation into another organisation, namely, the Pakistan National Congress. But no election has been held under the aegis of the Pakistan National Congress, the result has got to be seen in future elections ; they cannot get away by saying that they do not represent the Indian National Congress.

An Honourable Member from Congress Benches : Pakistan National Congress is a separate organisation,.....

The Honourable Mr. Nurul Amin : Pakistan National Congress, Sir, has taken birth long after they were elected either to the Provincial legislature or to the Constituent Assembly. They were elected in undivided Bengal and, therefore, they had the mandate from the Indian National Congress.

Shri Kamini Kumar Datta (East Bengal : General) : No, No.

The Honourable Mr. Nurul Amin : I have no quarrel with my honourable friends. I rather admire them that they are sticking to their mandate still in Pakistan and will try to propagate that ideology in Pakistan. They are true to the salt ; they are true to their national organisation. I do not dispute that point for a moment.

Shri Sris Chandra Chattopadhyaya (East Bengal : General) : We have no mandate from the Indian National Congress.

The Honourable Mr. Nurul Amin : They have not sought election under a new mandate—under the mandate of the Pakistan National Congress.

Shri Sris Chandra Chattopadhyaya : Just you are here on the All-India Muslim League ticket.

The Honourable Mr. Nurul Amin : Yes, I am here on the All-India Muslim League ticket. I do not dispute this point. I am propagating the same ideology.

You should also agree that you are also advocating the same ideology here.... (*Interruptions*)... We have not deviated from the mandate, from the ideology that we were given by the All-India Muslim League.

Mian Muhammad Iftikharuddin (Punjab : Muslim) : May I ask the Honourable Member..... ?

The Honourable Mr. Nurul Amin : Let them say that although they have not sought any fresh election under the new organization, the Pakistan National Congress have changed its ideology and creed. Are they not true to the mandate, given by the organization through which they have entered this House? You cannot dispute that position.

Sir, with regard to the demand outside for separate electorate, I would refer to some of the demands made by the different classes of minorities, including the Caste Hindus in Bengal. You will find that so far as the Scheduled Caste people are concerned, they are very bitter about joint electorate. They have given expression to their desire for separate electorate from various platforms; from the Press, by speeches, through organizations; all that they are trying to have is separate electorate, so that they can stand on their own legs. Only the other day, the mouth-piece of the Scheduled Caste people, an organ; *The Bengali Bhasha*..... (*Interruptions*)..... bitterly criticised the speeches of the Honourable Members belonging to the Opposition against separate electorate. My friend, Mr. Prem Hari Barma, who belongs to the Scheduled Castes, is supporting joint electorate here; I know the reason. This gentleman, Sir, contested election in the last provincial assembly elections in 1946 on Scheduled Caste ticket.....

Mr. Prem Hari Barma (East Bengal : General) : No, I did not. Please investigate.....

The Honourable Mr. Nurul Amin : The members of his community cast votes in an overwhelming majority in the constituency from where he stood but he could not come out successful because he had to depend on the vote of the Caste Hindus. He was very badly defeated. I think he forfeited his deposit. This shows how the joint electorate acted against him. He was a Minister in Undivided Bengal and in spite of that he forfeited his deposit for the election. This is the result of joint electorate so far as the Scheduled Castes are concerned.

Another gentleman, Mr. Birat Chandra Mandal—I am sorry, he is not here; I wish he were present here—does not live in Pakistan. He has no connection with Pakistan. His permanent residence is Calcutta and yet he speaks on behalf of the Scheduled Caste people of East Bengal! It is an irony of fate that people who do not live in East Pakistan, who have no connection whatsoever, who have no contact with the people of East Bengal, come and try to voice the view point of the people living in East Bengal. Let the genuine members, who live with the people, who know their ideologies, who know their demands and their view-point be represented here. (*Interruptions*). I am glad that Mr. Kamini Kumar Datta has hoped that there should be a fusion of Hindus and the Muslims politically, so that both the communities may combine to make Pakistan stronger and greater. I wish they had acted upon that profession. Most of the Caste Hindus who live in East Bengal, including some of my honourable friends, have transferred their families, their children, their wives, their womenfolk, to Indian territory, come here and try to represent the view-point of the Caste Hindus actually living in East Bengal! Even if they live there, their female folks are not there. This is a proof positive as to how far they are sincere in their professions here. I wish whatever they say they fulfil it in action and that will be the best example set by the Honourable Members here. We are prepared to give them all the rights and privileges that a citizen in

[The Honourable Mr. Nurul Amin]

Pakistan can hope for and can claim, but if we do not have their support, their co-operation—economic, financial and in other matters—they cannot blame those who are at the helm of the administration.

Sir, with regard to the demand by various organisations, I will read out only one paragraph from the speech of a gentleman—a Caste Hindu—in a Conference held in March 1951 in Chittagong. Here is a book which has been printed and circulated and I am sure my Honourable friends have got this book with them. The conference passed a resolution asking for separate electorates. This is resolution No. 18, which was passed in that Conference. I will read it in Bengali and then I will translate it.

(The Honourable Member then read it out in Bengali).

That is to say :

“In this Islamic State of Pakistan the Hindus want separate electorates with a certain weightage not only to the provincial and Central Legislatures but also to self-governing institutions.”

This is the resolution by one Kamini Kumar Ghosh, M.A., B.L. He is a well-known personality in Chittagong. He is a member of the Chittagong Bar..... (*Interruptions*)..... It was seconded by another well-known gentleman—Narjindra Kumar—who gave in his speech the reasoning for supporting separate electorate even for Caste Hindus. Then coming to the Scheduled Castes they have passed resolutions, they have submitted their representations, to the various authorities, beginning from the Governor-General of Pakistan down to the Chief Minister of the Provincial Administration.... (*Interruption*).... They are knocking at every door to have separate electorate but it has not been supported by their so-called co-patriots, the Caste Hindu members. Only the other day the leader of the Scheduled Castes, Dr. Ambedkar, stated—I have seen that in a Press statement—that as a result of joint electorate their community is being eliminated from all the representative bodies. This is the result of joint electorate. He has very bitterly expressed that view-point.

Now, Sir, the Buddhist community in Pakistan have passed a resolution to that effect. They have said :

“This meeting of the Buddhist citizens held under the auspices of the Pakistan Buddhist League do hereby resolve to bring it to the notice of the Constituent Assembly of Pakistan, through its President, that the Buddhists from an entirely separate and distinct community, apart from the Caste Hindus on grounds of religion, tradition, customs and history.

“Wherefore the Buddhist community demands separate electorate with suitable modification to suit the constituencies on basis of weightage for ensuring maximum representation of the community at the Provincial and Central Legislatures and that such rights of the Buddhist community be incorporated in the Constitution of Pakistan.”

This is another minority community, the Pakistani Christians. They passed a resolution to this effect :

“The Christian community desires that seats be reserved for it both in the East Bengal Legislative Assembly and in the Central Legislature. This representation is vitally necessary to us because it will enable the community to defend its religious, cultural, political and economic interests through their elected representatives and also to make its contribution to the political development of the life of the province and the State.”

Then come the adibasis or the Achhut League. They have also passed a resolution on the same lines. Then the Sanatam Dharma or the orthodox Caste Hindus have also endorsed the same views.

Mr. Bhupendra Kumar Datta (East Bengal : General) : All the minority communities' resolutions have been put together in one booklet. Is that the only work of your Government ?

The Honourable Mr. Nurul Amin : My Government has many more activities to look after.

You can see to it yourself. This book has been published in the Press belonging to Mr. Hamidul Huq Chowdhry, whose case was supported the other day by Mr. Datta, and who does not see eye to eye with the Government. This is *Al-Hilal* Press. So you can very well understand that this emanates from a very independent source and has nothing to do with the Government.

Thereafter you will find that the minorities have been specially granted ample fundamental rights. Their privileges and rights have been amply safeguarded under the fundamental rights. Not only that ; the fundamental rights which have been granted to the people of Pakistan were not considered sufficient for them, and therefore, special rights have been granted to the citizens belonging to the minority communities. I find there is no justification for criticising the separate electorate. It has been found that through joint electorate the minorities cannot have their true representation in any legislature. It has been found that if any community wants to stand on its own legs, they have got to depend on their own voters, unmixed or uninfluenced by voters of other communities. This is why the other day one of the Honourable Members of this House, Mr. Bhandara voiced the feelings of the Parsi community. He demanded separate electorate. He hailed and welcomed the provision of separate electorate made in this Report. So you will find that, except a handful of people who owe their allegiance still to the Congress creed, there is not a single voice in Pakistan belonging to any minority community who wants joint electorate. I am sure that the Honourable Members here will see the writings on the wall that their influence in propagating the Congress ideology in Pakistan is dwindling day by day. They are trying to catch at a straw. They are trying to misguide the people on wrong lines. The Hindu community—whether they belong to Caste Hindus, Scheduled Castes or others,—they want separate electorate. They want to co-operate with the Government, but those who had an ideology antagonistic to the Pakistan movement are clinging to the old ideology. I would appeal to them to desist from that way of thinking and adapt themselves to the ideology of Pakistan and to contribute as much as they can to the building up of this country.

So far as the question of representation in the Cabinet or any other branches of administration is concerned, they must have their share and the Government is trying to implement that assurance in spirit and in letter. It is sometimes ventilated that they are not getting sufficient number of appointments in the various services. So far as East Bengal is concerned, I can disclose that more than 70 or 75 per cent. of the Hindus who were appointed after partition to various services in East Bengal have resigned or have gone to Calcutta or other areas in India. It was not on account of any discrimination by the Government, but it was their own choice which led to their going to the Indian territory. Well, Sir, if this is the mentality and psychology, no Government can help them. They are invited to compete in various examinations, but they do not compete. They have left educational institutions in Pakistan. They have sent their boys and girls to educational institutions in India. They do not like the ideology of Pakistan. Then, what am I to do ? After all, Pakistan has been established and Pakistan has its own ideology, and Pakistan is bound to propagate its own ideology, but in that case also they have given to minorities sufficient guarantee for their ideology, culture,

[The Honourable Mr. Nurul Amin]

language, religious rights, etc. Still that does not suit them. So I would request them to get rid of the old idea of hatred against the Muslims and the Muslim League. That should be shaken off. Let them feel that they belong to the same country and that their duty to the country demands that they should try to strengthen the country and to make improvements in all directions. Economically and financially, the Hindu community can do a lot so far as East Bengal is concerned. But what do we find? As soon as Pakistan was declared, all the banks were empty. Money flew away overnight. Banks were empty of their balances. There were iron safes and almirahs and nothing more than that. I would, therefore, appeal to them that let their money come back to Pakistan, they should not try to send away money earned in Pakistan elsewhere. Let them try to conserve the wealth of Pakistan and not to fritter it away. In the name of maintenance of their families, in the name of defraying the educational expenses of their children lakhs and lakhs of rupees earned in East Bengal are sent away. How can the economy of this country be made sound if there is such a drain on the economy of Pakistan? Of course, that is allowed and it is not by any underhand means, but obviously crores of rupees are going away from East Pakistan. The money which is earned in Pakistan is being spent elsewhere and this is being done by my friends over there and people who belong to their school of thought. The day they will settle in Pakistan with their families, with their children and look to Pakistan only for the redress of their grievances and fight for their rights with their own Government, the picture of the country will be changed. But so long as they look forward to somebody else for the redress of their grievances, so long as they try to create an opinion in Pakistan which is harmful to its prestige outside (and which may evoke some sympathy in some other quarters) they cannot justify their speeches made in this House in the manner in which Mr. Datta has made his speech here. I entirely agree with him that that should be the attitude of everybody but unfortunately that is the attitude of a very handful of persons belonging to that community.

I may also refer briefly to the speeches of other Honourable Members. They have brought in various extraneous matters in this discussion. They said that when Khwaja Nazimuddin was the Chief Minister of East Bengal the minorities were quite happy and since then their condition has deteriorated. This is a charge, which will be levelled against anybody. When some one will succeed me they would say that Mr. Nurul Amin was quite sympathetic to the minorities but the new Chief Minister is not. This is a vendetta which they will carry against any Government administering East Bengal. This attitude can be appreciated because they have a duty to perform here and elsewhere.

Sir, no instance has been cited to show how the condition of the minorities has deteriorated. If anybody goes through the reports appearing in the Press, he will be convinced that the minorities are exercising their religious rights, their rights in the maintenance of their culture, in the maintenance of their habits and conduct in the same old fashion as they used to exercise before the establishment of Pakistan. No where in Pakistan a single instance can be cited where any function organised by the Hindus has been disturbed, has been interfered with. Although we have got our differences with the various parties formed by the Muslims we have not yet created any feeling against any party formed by the minority community. There was no clash and it has only been possible because there are separate electorates. I would appeal to them that they must consider this as a bliss, as a blessing in disguise that no communal ill-will has been created on account of any elections.

No clash has occurred because no election after partition has been fought on joint electorate basis.

Sir, small matters are exaggerated by them. Small things which happen in every country in the course of normal administration, are exaggerated by them. These small things are published with the intention of creating an impression that the East Bengal Government has gone to dogs; that administration does not look to the interests of minorities. The other day, Sir, I drew your attention and the attention of the Honourable Members of this House that in spite of all these allegations, in spite of all that they can say against separate electorate, they are the people who are growing in stature day by day and who are becoming more energetic and vociferous and more critical and perhaps more aggressive than before. So, that is supplying the very life-blood that they are wanting in Pakistan. They have not been effiminated; they have not been dwarfed; nor has their energy been diminished in any way. But look at the minorities residing in our neighbouring country. Their voice is choked. Their grievances are suppressed. When we look at Press reports we find that something has happened to the Muslims in India. I am not making any comparison but I only draw the attention of my Honourable friends to show that Pakistan can not exist absolutely independent of reaction to what takes place in the neighbouring country. The reaction does come but on account of a very strong administration—and an administration which is openly based against the majority community and is more sympathetic to the minority community—incidents do not take place in Pakistan. The other day I saw in the Press—while I am here in Karachi—that in Barisal—I think it was in Barisal—that certain Muslims were arrested immediately after certain incident took place with regard to the minority community. This shows how the administration is safeguarding the interests of minorities—not that it needs any direction from me but the very set up of administration, the very policy of administration, the very principle of administration is to safeguard the interests of the minorities at the cost of the majority community.

Now, Sir, I cannot see any justification how my Honourable friends can ask for joint electorates. As already explained, there is a unanimous demand for separate electorates. Separate electorate has given benefit to those who enjoy it whereas joint electorate has been found injurious to the people. I would submit, Sir, that in the face of all these arguments, a case for joint electorate does not stand to reason.

I do not want to repeat what I said the other day but I would make an appeal to my friends that they should not be scared away by the name of Islam. They should not have misconception about Islam. They must look for Islam in the literature, in the Book, in the Holy Quran and in *Sunnah*—how Islam works—and I am sure as soon as they study they will appreciate that there is certainly in Islam a hidden panacea for all the ills that the world is now suffering from. This is an appeal not only to the citizens of Pakistan but an appeal to the world outside. While the entire globe has been divided into two camps—Capitalism and the Godless Communism—Islam is a *via media* and a golden *via media* which must be adopted by all the people of the world and if we can show this to the world and if we can prove that Islam does contain such ingredients, I have no doubt in my mind that in no time this ideology will be accepted by various other countries. Islam is the only ideology which makes no distinction between man and man, which has given equal status to the women which was denied for long to the half of the human population. Islam has done justice to all the citizens irrespective of their religion, of their creed, of their class, whether they were conquerors or the conquered. They gave them all amenities and all the rights that one can think of. So in these circumstances I would submit, Sir, that the report which has been presented before this House should be supported from all corners of this

[The Honourable Mr. Nurul Amin]

House. We should adopt the principles now so that we may take up the work of constitution-making in the near future. We have already spent more than six years and something has been produced before the House. If we take more time than is necessary in delivering speeches, in arguing the case from this point of view or that point of view then the constitution-making will be delayed. I voice the feelings of East Bengal which wants that the constitution should be and must be finished within this session so that the actual process of constitution-making may be taken up just after the budget session. In that case we may have election under the new constitution for the Central Parliament in 1955. We must have the elections at least in 1955 because elections are long overdue and if we cannot give the constitution, there cannot be an election. In that sense I would request the Honourable Members to co-operate in our endeavour to complete the discussion on the principles that should be the guiding factors for drawing up our constitution. Thank you, Sir.

Mr. Bhabesh Chandra Nandy (East Bengal : General) : Mr. President : Sir, before I begin to speak I must express that I have no mind to go into any details but to discuss only a few of the principles and that too in most brief and dispassionate way. Constitution is a matter which concerns the whole nation, not only the present generation but also the future generations to come. Many a political party may come and go, many a Ministry may be formed and go discredited, but the constitution comes to stay on for ever, to lead the state to prosperity and vitality, to new life and vigour. Constitution is a matter which is extremely vital to the whole nation and so when we are discussing the vital principles of such a constitution we should rise above party politics and see things dispassionately. We must look to these points not in a way to cover only my own or my party's view-point alone but we must keep before our mind's eye the whole nation having different sets of people with different types of opinions and ideas and outlook and should try to anticipate all possible practical problems that may come before the country. We should also look to the new set-up that the world is getting everyday. We will fail in our task if we cannot take a broad view. Sir, I am very sorry that Mr. Nurul Amin, to defend some points, had to take recourse to some mud-slinging against the Congress members to confuse public mind and to try to carry his point and that too most hopelessly and most ineffectively. That was not becoming of a Provincial Chief Minister. While discussing those points, Mr. Nurul Amin has of course thrown some light to clear some confusions in my mind. Before this I could not realize why some Muslim League members of this House were blindly insisting on defending certain things and certain set of ideas and decisions in Basic Principles Report which they themselves in their heart of hearts could not accept and against which bitter criticisms were levelled by different non-League parties. Their criticism was based on arguments and reasons but because they were expressed by such sections of the people, who were outside the party to which they belonged, they did never care to take notice of them. But, Sir, Mr. Nurul Amin has made it very clear when he said that because they, i.e., the Muslim League had achieved Pakistan, it was their right and responsibility alone to build the constitution. From this view-point, Sir, I differ very much. He tried to explain that Pakistan meant not only independence for the nation but something more, that is, also the possibility of developing Islamic ideology, giving the Muslims all possible opportunities to develop their life and ideology and outlook. Well, there may be people who may not entirely agree with this view-point. This independence has been achieved by the entire people and not by one party alone and there are many leading Mussalmans in Pakistan who were not in the fold

of Muslim League but they were the stalwarts of independence movement of the country ; we cannot overlook and set aside the opinions that they have expressed on the Basic Principles Report. We cannot be satisfied, Sir, with only what Muslim League thinks and what Muslim League alone decides today. Sir, I am strongly of the opinion that Muslim League, as it is today, differs absolutely from the Muslim League that fought for the independence and for Pakistan under the leadership of the Quaid-i-Azam. That Muslim League was an organization which was regarded as one saviour community and whatever that League decided was accepted by the entire community without protest ; but that Muslim League is dead as dodo today. What is now left is the shadow of a Muslim League and which has members having bitterest differences and distrust among themselves. Group politics, conflict of personal interests and other differences among the members of the Muslim League are most acute today. At one time it was really felt that the Basic Principles Committee Report which was the result of so much labour and so much expense in terms of time and money, might be thrown overboard because of bitter differences of opinion among the Muslim League leaders and Muslim League stalwarts. We are really thankful that some sort of agreement among themselves could be arrived at ; really we were feeling rather guilty because as Members of this Constituent Assembly, representing the people of Pakistan, we had not been able to give any constitution to the country so far after six years because of the quarrel among the Muslim League leaders themselves. Due to these differences there was reason to fear that this Basic Principles Committee Report might be thrown into old records. We are glad that at last it has been placed before us for discussion. We should approach it with a most broad outlook and accommodating attitude. But it is very unfortunate that while discussing such important things as the basic principles of the constitution our friends refuse to take into consideration the view-point of those who differ from them or belong to other organizations. They forget that our country is much bigger than any political party, however big it may be. They forget that there are so many problems before us which we cannot decide and tackle from the view-point of one party alone. They forget that the Muslim League, as it is today, cannot and should not take the responsibility of representing the whole country with a population of 7½ crores of people approximately.

Sir, the importance of this discussion cannot be over-emphasized. Sir, you know that the constitution of the country is very important. The violation of the constitution of a country means treachery and the punishment for this is death. We are going to frame such a constitution ; we are going to lay down the fundamental principles of such a constitution. It is very unfortunate that even on such a solemn occasion we cannot have a wider outlook ; develop a wider vision nor can we have the catholicity of view to try to understand and appreciate the view-points expressed by different sections of people from different angles, and by different parties, only because they are not within the fold of the Muslim League party. Sir, Muslim League leaders have now come to a certain understanding on certain controversial issues. But that is not the whole thing we wanted. They should realize that we are not asked to develop a code of morality, or a code of conduct for the Muslim League alone, but we are going to make a constitution for the whole country. So, Sir, we must know that what we decide by these basic principles is going to affect the whole country which is inhabited by millions of people with different view-points, and varying outlook. So we must keep before our mind's eye the entire population of Pakistan. We must know the problems and the needs of the entire nation. These should stand before our eyes. Sir, we are

[Mr. Bhabesh Chandra Nandy]

not going to develop a code of conduct for the Muslim League leaders and workers but we have a much bigger and nobler task and so we should keep the whole country before us. So, Sir, I expected they would have that catholicity of outlook, that wideness of vision which would enable them to understand and visualize the point of view of the people who differ from them as well; in fact we are in duty bound to take into consideration the view-point of the entire nation for whom we are developing this constitution. We are developing this constitution not only for this generation but for future generations to come and we must try to anticipate and understand the problems that would come before the nation today, tomorrow or day after tomorrow. Constitution is not like an ordinary legislation; it is not such a thing that can be amended or modified everyday. It comes to stay and it has got certain permanence in it. So, Sir, we must be very careful, and we should be patient in deciding upon the main features of it.

Sir, a few words for the agreed formula on which they have agreed among themselves. Some-how or other there has been created an impression that because the Muslim League leaders have been able to come to an understanding, why should there be any delay at all in drafting the Constitution? They should know that it may be an agreed formula of the Muslim League members, an understanding amongst themselves, but Muslim League covers only a fraction of the entire population and there are many other angles of views from which the principles must be considered to make it effective and worthy. We are glad that the Leaguers have been able to come to a certain understanding and overcome some of the deadlocks which held back the discussion of the Basic Principles Committee Report so long. But we should not fail to understand that we are not going to frame a code of conduct for certain party or group. So we should have to consider threadbare all the principles from a broad-based angle of view. Now, Sir, regarding that formula; after a final analysis what do we find? Ultimately, the same thing stands and I find no change in it excepting that some safety clauses have been incorporated in it. Against that formula, we have noticed, there have been strong protests from all quarters and even the Muslim League members sometimes have protested against certain of the clauses of that agreement.

Now, I will discuss a few points and would not take much time of the House. Firstly to reconcile the Punjab and East Bengal, the smaller sub-units have been made to suffer. If the principle of equal representation to the Upper House is admitted then why it is denied to the sub-units? The grouping has also been arbitrary.

Secondly, Sir, against whom are the safety clauses? We have been hearing since the creation of Pakistan or before it was created that Islam does not limit itself within the geographical boundaries and the brotherhood of Islam transgresses any such boundaries of territorial limit; but why the problems of these provinces within the same State become so important as to provide for safeguards against each other? Why Punjab is suspicious of the majority from Bengal, knowing full well that they are also as pious Muslims as they are? Why again Bengal is so insistent on claiming the full advantage of their brute majority of number against their equally pious Muslim friends in the West? Again why both the Punjab and Bengal are so step-motherly towards the smaller Units. They should have rather offered them the weightage to get the same status with them and that would have been more appreciated. I find no consistency with what has happened and what they often profess.

Thirdly, Sir, I find another inconsistency that has occurred in this formula. These involve fundamental contradictions and tend to create

suspicion in the minds of the public. Sir, this formula has accepted the provincial approach to politics as the fundamental thing and has tried to assure safeguards against any supremacy of one against another. But I ask, has this formula been able to liquidate in the least possible way the distrust and misgivings? I doubt if it has been able in the least to do so. The maggot is in the apple. I believe that though administratively Pakistan is going to be a Federal State, ideologically it claimed to be unitary in the sense that one Islamic faith, ideal, trust and brotherhood would prevail among the majority of the people who are all Muslims. But this formula seems to be a complete negation of that. It nourishes the mutual distrust of provinces, groups and states.

Sir, fourthly, when coming to the agreement they conveniently forgot that the pre-partition Muslim League was there no more to get unanimous support to whatever they decided. They forgot that the people of the whole State was much wider and varied than what the present-day Muslim League could envisage. Had the Muslim League friends tried to take into consideration the view-point of those Muslims who are thinking differently from them and forming different parties and also of the non-Muslims, then really the decision could be all covering, effective and successful. So, what they have done is more or less a code of conduct for the present-day Muslim League members so that they might not fight among themselves and make the world laugh at them. So, I repeat again what I have said that constitution is a thing which is not like any ordinary legislation, but it is a more permanent thing and hence we should take a much wider-view and wider outlook in approaching this problem.

Sir, lastly I cannot miss to notice that to make the formula acceptable, they have made the constitution unworkable. Safety clauses are like the principles of not hitting below the belt. In a boxing contest, for example, is the rule of not hitting below the belt during fight. Here the provinces have been accepted as Units fighting among themselves for their clashing interests, so safety clauses have been inserted. The bitterness is there, the fighting is there. The formula has not been able to liquidate distrust and bitterness in the least. Now, if distrust remains then at every step the agreement will prove unworkable. Every piece of legislation in case of controversy, will take long time to pass, on many occasions there will be deadlocks. Again if full trust be there what is the need for such safety clauses at all? If distrust is there, even safety clauses may be evaded to spell disaster. It is only a temporary stop-gap arrangement to make it acceptable to those who were fighting within the Muslim League and thus to save the name of Muslim League so that the people of the world may not laugh at them.

So, Sir, as Mr. Datta says "it is a fraud on the people". It is only an attempt to dupe certain sections of people and to make them understand that the Muslim League people have been understanding among them.

Sir, as to the different clauses of the constitution, I am not going to discuss them because they will be taken up at some future time when the Report will be taken up clause by clause before the House. But there are some general features in the report that I cannot overlook. Sir, all through I find an atmosphere of distrust, diffidence and want of self-confidence and desire to grab power, more power by a certain group of people. Taking that as the background of the entire politics of Pakistan we can understand some of the features of the Basic Principles Committee Report, otherwise there is no earthly reason to incorporate such clauses in the constitutional principles. This distrust among the Leaguers, has remified into Provincial bitterness, group politics, individual

[Mr. Bhabesh Chandra Nandy]

ambitions and religious fanaticism. To add to all there has been an attempt to "politicalise" religion for serving the interests of some individuals and groups. In such an atmosphere the League stalwarts are going to enforce a constitution on the people of their own liking without trying to realise and appreciate sympathetically the view-points of other sections of the people only because they have not the stamp of League on their forehead, though many of them contributed the maximum for the independence of the country. Sir, I will point out only a very few of the features that have come into the Basic Principles Committee Report, only because of want of confidence and distrust among themselves. Sir, we find that in the Report an attempt has been made to centralise all power reducing the Provinces, as Mr. Datta has pointed out, as mere glorified district boards. So much centralization could have no justification except for the fact that Central Government was distrustful of the provinces lest they become too powerful for the Centre. So, much powers have been invested in the Centre only out of distrust of the Provinces.

It has been further accepted by the Muslim League members that the Honourable Prime Minister and the Head of the State will belong to different wings. Evidently it will give rise to many practical difficulties. I am not discussing those difficulties now but will only point out how distrust has taken deep root into the system. Sir, I may point out that it will create further distrust amongst the people. Then, Sir, you will find that in case of a dispute, a joint sitting of the two Houses would be required. To pass all disputed legislation by a joint sitting of the two Houses and to give equal power to both the Houses is evidently an attempt to perpetuate the control by the Party in power. Because one can understand that the Upper House will be constituted by a few vested interest people who will be the *Jo hukums* of the Party in power and always serve as a check on all progressive legislations, guaranteeing the interests of the Party in power. Sir, by this I am trying to prove that these things are there merely to check the progress of the country and to create distrust and confusion. Sir, looking at the whole Report dispassionately and rationally, one can understand why there is an attempt to centralise all these powers so much and why there is much eagerness to incorporate a clause that if the Prime Minister belongs to East Wing, the Head of the State should belong to the West Zone and *vice versa*: why there is an attempt to have two Houses—Upper House and the Lower House—and the representatives will be indirectly elected in the Upper House. From this it appears that a certain class of people want to perpetuate their power for ever by bringing certain elements who will always be a source of hindrance to the progress of the country and that is the purpose for which the Upper House has been proposed. In this way, Sir, you will find that there will be no independent thinking and there will be no progress in the country but only reactionary elements will play their parts in running the administration of the country. The reigns of the Government will be in the hands of vested interests.

Again, Sir, comes the question of joint electorate. Mr. Nurul Amin has tried his best to defend separate electorate not by bringing any cogent reason nor by disproving the arguments put forward from this side but simply by trying to throw mud on the Members on this side and by citing some statement of some of his favourite stooges. Everybody knows who are those people whom Mr. Nurul Amin has quoted. In this connection I will cite only one case. I am giving you an instance of a cobbler, who hailed from Meerut and was later brought over to Pakistan and whose Government awarded name, I must mention here, is Swami Kaljuaganand. Sir, this man was taken to East Bengal. Sir,

he cannot write a single word in English nor he can speak a line in English. But his statements in English are published by this Government agency. He calls himself a leader of Adibasis. The Government of East Bengal requisitioned a house for him—a very big house in the Bank area—and he was given some allowances for his maintenance. Such are the people whom the Government describes as the spokesman of feelings of the Scheduled Castes. He claims himself as the leader of the Adibasis, but I will tell you, Sir, that there is not a single Adibasi in the whole of East Pakistan or West Pakistan. They are found only in the district of Santhal Pargana in the Province of Bihar. Sir, he does not represent any body here. He is a converted Muslim. I have heard the speech of Mr. Nurul Amin wherein he has tried to confuse the issue by bringing into picture these people. I would request him not to misrepresent the facts. Let the non-Muslims of East Bengal say whether they want joint electorate or separate electorate. Why does he want to take the help of stooges like Swami Kaljuganand who does not represent any section of the people?

Shri Sris Chandra Chattopadhyaya : What is his caste?

Mr. Bhabesh Chandra Nandy : He is a converted Muslim. He was originally a cobbler. He comes from Meerut where he left his wife and children. He has been brought to limelight by Government publicity and he teaches Gita in Urdu to Muslims as if, Muslims have no religious book of their own. The whole Publicity Department of Provincial Government as well as of the Centre are behind him to give publicity to his statements. Government takes statement from him according to their choice and it is given a wide publicity. May I know, Sir, is the Publicity Department meant for such sort of activities? Sir, this man upholds and champions the cause of non-Muslims claiming separate electorates for them and this we find published in the newspapers of Karachi. Why this nonsense? Why the Publicity Departments of the Province of East Bengal as well as of Centre give publicity to a statement of such a bogus man. Sir, if Mr. Nurul Amin wants the verdict of the people of the minority communities in this respect, let him hold a referendum and he will know the result. Mr. Barori, another man calls himself the leader of the Scheduled Castes, is only another stooge of the East Bengal Government.

Mr. Abul Kasem Khan (East Bengal : Muslim) : Is "stooge" a parliamentary expression?

Mr. Bhabesh Chandra Nandy : Yes. I am speaking of Mr. Barori, whom Mr. Nurul Amin mentions as a representative of the Hindu community. He is another solitary man representing nobody else on earth.

Mr. Nurul Amin wanted to discredit friends on this side by saying that they do not live here, but take away their families and earning to Calcutta. I do not know any greater misrepresentation of fact than this. When the Prime Minister of Pakistan visited East Bengal, I introduced to him some leading Hindu businessmen of Dacca only who alone have invested crores of rupees in business while the Muslims of East Bengal are investing much less in any industry in East Bengal. Industrial expansion is taking place in East Bengal on account of the investment of capital by the Hindus. May I ask Mr. Nurul Amin to say if he knows how many textile mills have been started in East Bengal after partition by the Hindus.

Mr. Mohammed Ali knows it because he was supplied with all facts and figures. Sir, after Partitions, several textile mills have been started in East Bengal by the Hindus and crores of rupees have been invested.

[Mr. Bhabesh Chandra Nandy]

Sir, it is no good nor it is honesty for a man like the Chief Minister of a Province, to say like that, to bring out such trash arguments that would simply create confusion in the minds of the people of West Pakistan. He should have brought out the exact reason why they wanted separate electorates. He should have said that in the present communal set-up of Muslim League politics they cannot adopt joint electorate because the Leaguers are awfully nervous: they have not got the self-confidence to hope to win elections if they have not got separate electorate. Their nervousness has been all the more because of the results in different District Board elections where they had sad failures. There was a bye-election in the district of Mymensingh for a Muslim seat where notwithstanding the fact that the Government mobilized all their resources, they could not defeat a young man standing in the name of the Awami Muslim League. There are still 30 seats lying vacant to the Provincial Assembly but the Muslim League have not got the courage to face there bye-elections. Further Muslim Leaguer's election manifesto must be based on communal appeal, so how can they accommodate joint electorate?

He referred to the Congress. The Congress has faced several elections after Partition. I am a member elected after Partition on the demand of joint electorate. My Honourable friend, Mr. Kamini Kumar Datta, was elected to this House after Partition. The Congress faced a provincial election in the Dacca and Chittagong Division and that was won in the name of the Congress under demand of joint electorate. The Congress candidate was elected by an overwhelming majority of votes. Mr. Nurul Amin cannot suppress facts and bring out certain arguments so to create confusion. Sir, it is not honest at all. We did not expect these things from him because we are discussing here the most important, the most solemn thing, the basic principles of our future Constitution, which will be the life-breath of the people of the country; the Constitution which is intended to ensure the progress of our State. It is the Constitution itself that can ensure the onward march of the State and can lead to its vitality and progress. It is no good, it is not honesty, it is not justified to bring out such nasty arguments, to bring out mud and nuisance into a discussion of the Constitution. Sir, I had no mind to refer to these things but, Sir, I could not help saying that because he cast aspersions upon us, which were bound to have some reaction so far as we are concerned.

Now, Sir, regarding the problem of electorate, the position is that the Muslim League is in an awfully awkward position before the world because 83 or 85 per cent. of the people are Muslims and still it is they who ask for protection. It is they who ask for separate electorate. So nervous they are that they are not satisfied even with that. They further propose that the 15 per cent. of the non-Muslims must be divided amongst themselves by means of further separate electorate between castes, schedules and Buddhists. Even in East Bengal, where the Hindus or rather non-Muslims from about 24 per cent., the Muslims are more than 75 per cent—a huge majority—still why this nervousness? Because the Muslim League is dead as dodo, and they have no confidence in themselves. They feel that even these 15 per cent., if kept together in one electorate might defeat them. Quaid-i-Azam's Muslim League is now dead; now everybody is for himself, everybody is crying for more power for himself. It is an ill-luck for Pakistan today that such a Muslim League, having a majority in this House, is going to dictate a Constitution for the whole of Pakistan. I believe that people of Pakistan have more vigorous outlook than is represented by the Muslim League

of the present day. Sir, I challenge Mr. Nurul Amin to try to understand the real feeling of the people, the real pulse of the people and then to act according to it. I understand that in the present state of their organization, the Muslim League cannot take joint electorate, because they will have to face elections in the name of communal cry. They will put forward their usual stunts of non-Leaguers bringing money from the other side of the border through the help of non-Muslims.

Mr. Muhammad Abul Quasem (East Bengal : Muslim) : Facts are disclosed on the floor of the House.

Mr. Bhabesh Chandra Nandy : All this is done to gain their point. How can they take the Hindus with them, how can they have joint electorate ? They further want to divide the non-Muslims into separate units. But what right have they got to do that ? Sir, you know the different caste units among the Hindus formed "the Scheduled Castes," ; it was formed on the representation by certain caste groups from among the Hindus. Sir, in Pakistan all Hindus are practically scheduled. How Government can propose to make any distinctions between them and try to put a wedge to divide the Hindus ? Why should they divide these people ? Why this foolish attempt, this mischievous attempt to divide the Hindus into Caste and Scheduled ? It was done by the Britishers for their own convenience, to serve their own imperialist purposes, but why should it be pursued now ? I say it is not only dishonesty, Sir, it is a crime and politically it is a deviation from what our Government profess. Sir, they have no right, no moral justification to put this wedge into the Hindu community, to divide the Buddhists, the Castes and the Schedules into separate electorates and to destroy their social integrity. Sir, let there be a referendum on this issue and I challenge Mr. Nurul Amin, to face the people in any district of East Bengal and take their verdict : whether they really want joint electorate or separate electorate.

Mr. Ghyasuddin Pathan (East Bengal : Muslim) : Why do you suggest one district ?

Mr. Bhabesh Chandra Nandy : Any district.

Shri Sris Chandra Chattopadhyaya : Take Mymensingh District or any other district.

Mr. Bhabesh Chandra Nandy : Let Mr. Pathan himself go with a big turban on his head and even then I am afraid he will not be able to carry a single man with him.

Mr. Bhupendra Kumar Dutta : He has no *pugree* ; he is a Bengali Pathan.

Mr. Bhabesh Chandra Nandy : I would appeal to my friends not to be misled by such misleading arguments. They should feel for themselves that is the real sentiment of the people. They should change their outlook in regard to the joint electorate. We should have this much honesty to admit that joint electorate has the advantage fostering more integrity and unity of feeling amongst the people of Pakistan. Sir, the Hindus want it because though they may lose individually they will gain collectively as a nation. That is my idea. But it is all throwing pearls before something. So, Sir, I am not going to repeat arguments any more, except to say that the idea of dividing Hindus and other non-Muslims into Scheduled Castes, and Buddhists, is a political crime that is going to be perpetrated. Mr. Nurul Amin brought forward a very peculiar argument when he said that a man should only be elected by the particular community he represents. I know, Sir, but my plea is that

[Mr. Bhabesh Chandra Nandy]

by separate electorate you vitiate their approach and make it communal. A Hindu will talk to a Hindu in the strain which will satisfy a Hindu. Similarly, a Muslim Leaguer, or any Muslim candidate will talk to the Muslim electorate and issue a manifesto that will satisfy only the particular outlook and view-point of the Mussalman electorate. So, Sir, by separate electorate the approach becomes separate and it may be, because the communal fear is still there, that to capture a Muslim mind, the Muslim candidate will have to talk in such a strain and to issue such a manifesto as will be communal in nature. So, Sir, in this way dissension and weakness will grow. I know that a Muslim candidate will preach vehemently against a non-Muslim to capture a seat. So, Sir, Mr. Nurul Amin felt that if a person is elected from a certain constituency it does not matter that he cannot represent the interests of certain people belonging to other constituencies. He can if it is on the same basis. Therefore, separate electorate perpetuates communalism. It means disintegrating the State; it means disintegrating the people when it is a most urgent necessity for us to mobilize the entire forces and to have complete regimentation of all resources, if necessary. It is for this reason that Muslim League has come up with separate electorate. The main idea behind it is to disintegrate and divide the people and to put religious pressure on them, not only separate Hindus from Muslims, but to create a rift and drive a wedge among the Hindus, Caste-Hindus, the Scheduled Castes, Buddhists and so on and so forth. So, Sir, it is all vicious. I cannot expect a more vicious formula than this.

Sir, regarding the Head of the State, a lot of arguments have been advanced and there has been a lot of discussion on this point and I do not want to go into the details and thereby take much time of the House. I will simply read a few lines from Quaid-i-Millat's observations on this idea.

Mr. Ghyasuddin Pathan : What idea ?

Mr. Bhabesh Chandra Nandy : Regarding the Head of the State.

Shri Sris Chandra Chattopadhyaya : During his lifetime you could not shake it. All the reports signed by us say that during the lifetime of Liaquat Ali Khan.....

Mr. Ghyasuddin Pathan : You signed many reports. Today you do not speak anything of them.

Shri Sris Chandra Chattopadhyaya : No, I gave a note of dissent.

Mr. Bhabesh Chandra Nandy : Mr. Liaquat Ali Khan, in reply to Mr. Chattopadhyaya who pointed out that in an Islamic State no non-Muslim can be the Head of the Administration, said :

" This is absolutely wrong. A non-Muslim can be the Head of the Administration under a constitutional Government with limited authority that is given under the constitution of the State."

Sir, they quote Quaid-i-Millat, or Quaid-i-Azam or Islamic principles only when it suits them best and just where it does not suit them they ignore, simply skip over it. This is what the Muslim League is doing. Sir, the Muslim League politics reminds me of Marwaris and accounts system, who keep three sets of accounts books. Similarly, the Memons here do the same. They keep one account book showing only a very narrow margin of profit to defraud their partners, and a second account book to show a constant loss to defraud the Income-tax people, and a third.....

Mr. President: Mind you, you will have to go to Calcutta. Remember that.

Mr. Bhabesh Chandra Nandy: No, Sir, business world is everywhere the same. What Marwaris do in Calcutta the Memons do here. When I have raised this question, with your permission let me explain it further. Sir, I remember one Income-tax Commissioner of Karachi, who is a Member also of the Income-tax Tribunal, once told me that he was in Calcutta and he found that Marwaris were very intelligent in evading income-tax but.....

Mr. Ghyasuddin Pathan: Sir, we are sitting here for making a constitution, and according to my friend, it is a very serious discussion, but I am sorry to say that all these income-tax stories in which he is indulging are irrelevant.

Mr. Bhabesh Chandra Nandy: There is no attempt at story-telling, but I thought stories could convince my friends. He told me that he was under the impression that it was only the Marwaris who knew how to defraud the Government, but when he came to Karachi he was quite convinced that Memons could take three Marwaris in their pockets each. I may tell you that this is not peculiar to Calcutta alone, but it is in all business quarters that such instances are found. Now, Sir, the Marwaris keep three sets of accounts books—one showing a small margin of profit to deceive their partners, another showing constant loss to defraud Government in the matter of payment of income-tax and a third one to show the real margin of gains for himself. Muslim Leaguers in their practical politics are doing the same. They make the present-day world know that they are a perfectly democratic State, that they do not lag behind anybody in their progressive ideas. These attitudes they take for the foreigners. But secondly when they appear before the public they become too much Islamic to carry the mass support with them. They thus try to defraud their own friends, their own partners, their own co-religionists. Again when they talk among themselves within the Muslim League or within the sub-circle of the Muslim League, because every leader within the League has his own sub-circle, they speak their real mind. The Muslim League politics is thus full of pretensions. So, Sir, we are very much afraid that when they come out with this idea, it may bring certain serious anomalies in the constitution, which are so serious for the nation as a whole.

Sir, I have almost finished my discussion. Now only a few words with regard to the Islamic character of the Constitution. Attempt has been made to discredit those on this side who try to discuss the Islamic features in the Basic Principles Committee Report very dispassionately and honestly. Sir, to discard the Islamic feature in Basic Principles Committee Report does not imply discarding Islam in the least possible way. We respect every religion and we sincerely believe that unless there are certain very noble features in the religion of Islam, it could not be a world religion, it could not make so much of achievement as it did. But the way they are using Islam in the present-day League politics is most undesirable. They have put political point in religion in a way to discredit religion and to create suspicion in public mind. Sir, it surprises us when they quote the example of Hazrat Abu Bakr and others who won the love and affection of the people by showing and practising themselves what Islam really teaches. It does not really suit them to quote Islamic principles especially when they have moved far away from the teachings of Islam in their daily practice. They could be the best teachers of Islam if they had practised the tenets of Islam in their own life and set practical examples to others. I may refer my friends to a speech on the floor of this House made by Begum Ikramulla

[Mr. Bhabesh Chandra Nandy]

during the discussion on the Objectives Resolutions. I do not quote here the speech because that will take much time of the House. We have full appreciation for the noble features of Islam, but that is not the matter we have been asked to decide upon. What we want to emphasise is that the way they want to bring Islamic features in the constitution is highly objectionable. It is simply to capture the mind of the illiterate mass to dupe them, Sir, when you find many of our friends never go to mosques, never offer prayers but as soon as they become Ministers or Governors they go to shrines barefooted and start talking of piety in the name of Islam, what opinion should we form of them? If I say that my greatgrandfather was a pious man, does it cover the mischief or the misdeeds that I commit everyday? It does not cover the misdeeds nor can it remove misgivings from public mind. The noble principles of Islam are a different thing, but acting upon them is a different thing. Those protagonists and those stalwarts who do everything in the name of Islam I doubt very much if they mean anything good to the society, to the people or to the State or even to themselves. I am constrained to remark that they make their religion a political instrument to achieve and to satisfy their own purpose, to achieve their own ends. So, Sir, we have very serious and grave doubts whether by insisting on this they may be able to satisfy the common interest of the people and the State. They may be able to satisfy the Mullahs, or they may be able to mobilize in their favour certain fanatic public opinion to dislodge some people from power, or to help somebody to come up the ladder of power, but that is not what we are concerned with. When we are considering the question of the Constitution of the country we are concerned with the whole nation of Pakistan, the best interest of Pakistan, the integrity, solidarity and progress of the State. Sir, my friends on this side emphasized that Islamic religion was not a matter for discussion here. Everybody takes it for granted that it enunciates some noblest principles; but they wanted to point out that they did not like the way the Muslim leaders wanted to interpret that. We have got so many booklets from different quarters and different Muslim organizations on Islamic religion which differ from each other very vitally on the interpretation of the principles of the Holy Quran. We feel very much confused and get all the more confused when we find so little similarity in the views expressed here. It tends to create misapprehension, suspicion and distrust. Suspicion is still lingering in our minds. Nobody has been able to explain it away.

Referring to Mr. Dutta Mr. Nural Amin said, jokingly, that even he could become a member of the Board of Ulema. It was nothing but a joke, I believe. It has been stated that if any Muslim member points out that any particular legislation is repugnant to the Holy Quran or Sunnah, it will be referred to the Board. It is only the Muslim members alone who can point that out. Sir, I think many friends on this side of the House are well versed in the tenets of Islam and are well read in the theology of Islam. They also try very sincerely to understand the principles of the Holy Quran and to appreciate them. But the friends on the other side of the House are only blindly lending support, without knowing where they are going to. Their blind support is simply encouraging fanaticism. For otherwise so far as the Islamic principle is concerned it is not debatable at all. It is accepted and everybody here has the catholicity of view to appreciate the noble views of any religion. But the way they are going to proceed with the task, that is objectionable. It creates misgivings and mistrust. They have politicized religion only to reap benefit for themselves. Sir, lastly I would appeal to the Honourable members to try to discuss the matter

on the basis of principle. I am sorry that I had to go into certain details but it was only to reply to Mr. Nurul Amin who was trying to defend an otherwise a very weak case. Like a third class lawyer of district Bar he went on saying sense and nonsense just as a pleader does to satisfy his client who may feel that the pleader has done full justice to his case. I did not take his arguments very seriously. Everybody could understand that the arguments had no legs to stand.

With these few words, Sir, I resume my seat.

Mr. Azizuddin Ahmad (East Bengal : Muslim) : Mr. President, Sir, I rise to take part in this debate with some amount of sorrow because, as we have found in the last few days, sometimes debates take a very serious turn and things which should not be expressed, escape the lips of the Members and it seems that they are not said with a view to help the deliberations but rather to make complications and to make confusion worse confounded. Sir, during these few days we have heard various speeches ; we have heard essays ; we have heard lectures ; we have heard sermons, but, Sir, as an ordinary mortal I shall not indulge in any of those eruditions or disquisitions. I shall take a practical view of the matter which has been placed before the House for our consideration.

Sir, I look upon this moment as a unique opportunity in the course of the last six years for which the Constituent Assembly has been in existence, that we have now got our life-chance to make our contribution to the making of the Constitution of Pakistan.

Sir, some of the original members of this House have passed away in the meantime and we should avail ourselves of this opportunity without any further loss of time to make the constitution-making complete as early as it may be found practicable.

Sir, this Basic Principles Committee Report, which started as Bengal-Punjab-controversy has after all ended as Bengal-Punjab Cordiality. So far so good. We all welcome this change of feeling in the country although I would not like to make a secret of the fact that in Bengal there are certain sections of the public and certain organisations who want to have some sort of smoke-screen for their own ends and they say that the Members of the Constituent Assembly coming from Bengal were not worth their salt in foregoing certain seats in the Upper and the Lower House. Sir, I voice the feelings and sentiments of the sensible people of Bengal when I say that if Bengal lost certain seats, they were gained by Pakistan and whatever Bengal lost was gained by Pakistan and certainly this sacrifice of Bengal is worth the traditions of the people of Bengal in strengthening Pakistan for which they had at different times made tremendous sacrifices. It is time for them to make further sacrifices to strengthen Pakistan.

Sir, this report has been attacked from different points of view. Some say that this report is bad because it is Islamic ; others say that it is bad because it is not Islamic. Sir, Pakistan was created for a certain ideology. The Mussalmans of this sub-continent wanted a homeland for themselves. Although the Pakistan, that we have got, is truncated and is far short of the ideal of the Lahore Resolution of 1940, in the Pakistan that we have got, we have got to have a constitution according to genius of our people. If the people of Pakistan—Muslims who form the majority—want to give an Islamic character to the constitution, I think that is all the more reasonable because Pakistan was achieved with a certain objective. My friends who are not Muslims but who are the citizens of Pakistan, hold different views. I think they are quite safe in an Islamic Constitution. They should not rely on the vagaries of a majority in a democracy. When you have the Islamic Constitution the minorities definitely know where they stand rather than depend and be harassed and be duped from time to time

[Mr. Azizuddin Ahmad]

by the vagaries of a majority as we find in different parts of the world. Sir, I for one, would only request my friends of the minority community not to be afraid of the Islamic character of the constitution. I would rather voice their feelings by saying that our constitution should not be less but should be more Islamic. If the constitution has Islamic character, on that score nobody should be deceived or nobody should be afraid of or feel any kind of insecurity because in Islamic constitution alone there lies the safety and security for the rights of minorities in Pakistan. So, Sir, I was submitting that on the score of Islamic constitution there should be no misgiving so far as our friends of the minority community are concerned. Sir, their rights, for which the members of the minority community, our friends over there, are fighting, are quite safe in an Islamic constitution. They have, Sir, the courage to express their feelings and sentiments and they are heard and respected by this House and the way in which they are able to express their views shows that although we have not yet been able to have a constitution, which may be called Islamic, we have made a very good start by giving full right of expression of feelings and sentiments to any Pakistani living in this country. Sir, I would not go into any controversial issues because there were many controversial points attempted to be made here but I would say that we should not be afraid of the Islamic character of the constitution. On the other hand we owe it to ourselves that we should try to give Islamic tone and character to the constitution as much as it is possible for us to do.

At the same time, Sir, we should not forget our past. The basis on which we have started—our economic system, our system of banking, as they are now, are not Islamic. Therefore we should not all at once go with an Islamic constitution so that we may find ourselves in difficulties. We should make a determination now that our constitution shall be Islamic but we should give effect to it and implement it gradually as and when the circumstances would permit. I am for this compromise. Sir, I appeal to those of my Muslim friends who want to have Islamic constitution outright and all at once that they should carefully and cool-headedly consider all these aspects of the question and see whether it is possible to have an Islamic constitution outright. Therefore, Sir, we should go slow. We should have before our eyes the practical aspects of the question. We should only go ahead if it is found possible to have outright things such as to remove *Riba* and other things. If it is possible to do so we should go on at once with Islamic constitution but, Sir, if it is found on expert advice that it is not possible to do so we should not take hazards and try to do things all at once. We should do it gradually as and when circumstances permit.

Now, Sir, much has been said about the joint electorates and the separate electorates. My friends over there who are the supporters of joint electorates have such right to give their arguments for joint electorates as those who oppose the idea have the right to give their arguments. I think, Sir, it is a vital matter affecting the future constitution of the country. Therefore, without running into sentiments we should take the practical aspect of the thing into consideration. Only after full consideration we should decide to have either joint or separate electorates. Now, Sir, I would request, through you, the Honourable Members of this House to consider whether after the achievement of Pakistan, which was based on two nation theory, we in Pakistan still at the present moment have two nations or one nation or one Pakistani nation. If after the achievement of Pakistan we have only one nation in Pakistan, then, Sir, we should consider seriously whether we should go in for separate electorates or for joint electorates. That is a matter which needs our careful consideration in very calm and cool moments. We should not be carried away by sentiments. We should not do things in a hurry. Constitution

making is, after all, a very difficult task and when we have already lost six years we may take one or two months more to give our careful consideration to this aspect of the matter.

Now, Sir, it has been said that we should have a strong centre. But that means that in the case of Provinces or Units their rights will have to be curtailed. In this respect also, Sir, we should consider the geography and the distance of the different units of Pakistan. If the powers are concentrated in the strong centre in that case we should see whether a distant Province like East Bengal can thrive and can live. Of course, so far as Bengalis are concerned they are prepared to make every possible sacrifice but so far as the distance and geography and defence of the country are concerned, I think even in a federation the powers should be distributed in such a way that the Provinces and especially a Province like Bengal may also develop according to her own genius. That is the question which we should consider seriously.

Now, Sir, much has been said regarding the Head of the State being a Muslim. In Pakistan where the Muslims are about more than 80 per cent. of the population when the Head of the State is to be elected by the members of both houses, the House of the Units and the House of the People, I, for one, do not apprehend that any time may come when a Mussalman cannot be elected as Head of the State. To those friends of ours who think that unless it is laid down in the constitution that the Head of the State shall be a Muslim, they cannot be sure whether a Muslim would be elected or not, my argument is that after having so many Muslims coming in the election, and even then if there is nobody who is able to be elected as Head of the State by joint voting of both houses, then in that case, Sir, we should have a very low opinion of ourselves and of our people. So, Sir, when an objective can be achieved without the words 'Head of the State should be a Muslim' being there, these words can be easily eliminated and we can achieve the objective even without them, if my friends think in Pakistan the Head of the State should be only Muslim and none else. So, Sir, I would suggest that when we can achieve the objective by eliminating these words, these should be omitted. This would save us from some controversy, which may not be quite healthy in the present state of our constitution-making.

So, Sir, I would commend to my friends that the Report, as it should be accepted and we should adopt the principles on which our constitution should be based. Our constitution should be based on the report and the recommendations that have been made and whatever little controversy we may have from time to time we should be able to solve it by mutual agreement on an overall basis and thus we should try to strengthen Pakistan and give to our people the constitution which is long overdue.

Mr. Ghyasuddin Pathan (East Bengal : Muslim) : Sir, at the very outset I would like to join my feeble voice with the chorus of congratulations to the Honourable Prime Minister and the other leaders of the various Provinces who have been able to find out a solution on the long-vexed question with regard to the representation in the two Houses of the proposed legislatures. Sir, the Honourable the new Prime Minister has really earned the gratitude of the whole nation by piloting this matter and carrying it to a successful conclusion. At the same time, Sir, I feel very much proud when I hear that the Honourable Mr. Nurul Amin who comes from the soil of East Pakistan is highly spoken of by many people to the effect that he has acted not only wisely but most conscientiously in the interest of Pakistan as a whole. Sir, knowing full well that the Basic Principles Committee's Report is a subject matter of criticism throughout the length and breadth of Pakistan and even outside, I do not feel shy to declare on

[Mr. Ghyasuddin Pathan]

the floor of this House that I had the proud privilege of being associated with this Report as one of its members. Sir, good or bad, perfect or imperfect, the Basic Principles Committee has been able to produce something to start with, in the matter of framing the constitution which is long over due.

Now, coming to the Report itself, I am not expected to contribute to the voluminous criticisms that have been levelled against the Report because I am a party to it. First of all, Sir, I shall try to penetrate into the lengthy written speech of the younger Datta, I mean Mr. B. K. Datta, who has covered as many as 54 pages of the Assembly Debate Report and about 25 pages of this printed Report. I am perfectly conscious, Sir, that I will not be able to do justice to it within the time that will be at my disposal. Sir, frankly speaking, I must tell him, through you, that I have not been able to give it a name. If it is a thesis on philosophy, I must say, Sir, it is unique of its kind in the sphere of realities. If it is a literature, Sir, I have grave doubt whether anybody has been able to make any head or tail of it. Sir, it is full of authoritative references dating from the inception of the world up-to-date. Sir, I wish my friend, Mr. Datta, whom I must call a philosopher, would have taken his birth during the time of Ramayan or Mahabharat to make a good contribution on these volumes. So, Sir, I will leave it—at least the philosophical part of it—to be better answered by better philosophical brains to my right.

Prof. Raj Kumar Chakraverty (East Bengal : General) : Mr. Brohi !

Mr. Ghyasuddin Pathan : I shall presently draw the attention of the House to the concluding para. of this philosophical thesis which runs as follows :

“We should not be deterred by consideration of delay of a few months or a year when we have passed six years, etc., etc.....”

Further down, he says :

“We should be wise and patriotic enough to refer the matter again to a Committee.....”

Sir, I cannot imagine how an honourable member belonging to a responsible political party can make a proposal like this which is apparently and really against the wishes and demands of the people of Pakistan and which is against the wishes, I must say, Sir, of his party members whom I have heard saying that they are also very keen to go ahead with the consideration of this report so that the framing of the constitution may not be further delayed.

Prof. Raj Kumar Chakraverty : There is no party in this House.

Mr. Ghyasuddin Pathan : I must tell my friend that nobody has come up before this House with the Report with a view to gag any fair criticism or to shut out the doors of criticism. I must say, Sir, it is the intention of this party on this side of the House that the doors of fair criticisms and constructive criticisms should always be kept wide open and they are really kept wide open.

Sir, I will appeal through you to my honourable friends sitting opposite that they should come up with their constructive and fair criticism and thereby help us in framing the constitution at the earliest possible moment.

Sir, if my friend thinks that the younger generation who will be ruling after us will not like this report, I can tell my friend that no country in the world has been able to frame any constitution for all time to come. So, Sir, the coming generation, if circumstances justify, will be quite at liberty to bring about any change in the constitution.

The Muslim League Parliamentary Party on whom the entire blame has been thrown by the members sitting opposite, have only done what other countries have done and what other countries are doing in a matter like this.

Sir, apart from the merits of the report, I also ask Mr. Datta to realise that any further delay in the framing of the constitution will not only bring frustration all over the country, but it will particularly add to the frustration of East Bengal on the eve of the coming elections. Sir, I wish I could dilate upon Mr. Datta's "isms" referred to in the middle of this speech. As I have already said that I am not a scholar of philosophy I leave that portion also for better brains sitting on my right.

Sir, his remarks against the administration both at the Centre as well as at the Provinces, have been and will be better replied by those who are directly concerned with them. Now, Sir, I pass on to his remarks about the rights and privileges of the common people. I can at once draw the attention of my Honourable friend to the Basic Principles Committee Report which is, according to me—if I have understood it aright—to enunciate certain principles, but not to prescribe the methods how to obtain a particular objective. I draw his attention to page 2 of the Report, clauses 6, 7, 8 and 9. These may be read with the Objectives Resolution where economic justice has been guaranteed in paragraph 8.

Another portion of this speech, Sir, *viz.* :

"That the implementation of the present Constitution and the suggestion put forward that Karachi must have a stronger hold over East Bengal all this is mad etc."

He has made mention of the geographical position also, but Sir, I have read his whole speech as well as the Basic Principles Committee Report with every possible care. I have failed to understand how he can justify the remarks made by him that Karachi must have stronger hold over East Pakistan. I have not been able to understand him and I do not understand how my friend will be able to justify the remarks made by him.

Mr. President: Mr. Pathan, I will adjourn the House now.

The House stands adjourned till 4-30 p.m. today.

The Assembly then adjourned till Half Past Four of the Clock in the Afternoon.

The Constituent Assembly of Pakistan re-assembled at Half Past Four of the Clock, in the Afternoon, Mr. President (The Honourable Mr. Tamizuddin Khan) in the Chair.

Attention of Mr. President having been drawn to the absence of quorum, the House was further adjourned to Fifty Minutes Past Four of the Clock, in the Afternoon, when it re-assembled with Mr. President (The Honourable Mr. Tamizuddin Khan) in the Chair.

REPORT OF THE BASIC PRINCIPLES COMMITTEE—consideration— *contd.*

Mr. Ghyasuddin Pathan (East Bengal : Muslim) : Sir, I was dealing with the portion of Mr. Datta's speech wherein he tried to invoke the local patriotism of the East Bengal people on the ground of geographical difficulties. Sir, I can tell him on behalf of myself and on behalf of those who have been elected to this August House from East Bengal, that

[Mr. Ghyasuddin Pathan]

we yield to none in our local patriotism so far as the interests of East Bengal are concerned, but to us, I mean the members belonging to this side of the House, one thing is most important in our minds: it is this—that Pakistan is one and united we rise and divided we fall. There is no power on earth to deviate us from this ideology and I think this is and this should be the ideology of all the Pakistanis.

Sir, before I pass on to the other elderly and forceful speaker—another Mr. Datta—I should like to say that we all appreciate the remarks made by Mr. Sukhdev that he has been able to appreciate the Basic Principles Committee Report at least in one point, namely, in the matter of the arrangements to be made in connection with elections. I am very glad, Sir, that he is not a one-eyed critic like many others. Sir, Mr. Datta the elder, in spite of his attempts, has, I think failed—and very signally failed—in making his fraud intelligible to us. He has referred to a fraud in the first part of his speech and said that the people belonging to this side of the House have committed some fraud. Sir, in spite of his attempts, I must say that he has failed to explain what is that fraud.....

Moulavi Ebrahim Khan (East Bengal : Muslim) : Is that fraud or frog --f....r....o....g!

Mr. Ghyasuddin Pathan : It is not frog ! Sir, I must say that he has failed to make it intelligible to us ; and I am surprised to see that an elderly politician like him, with all his long experience of parliamentary life, has not been able to appreciate one point. Although, Sir, it is admitted that there is no Party system in the Constituent Assembly, he has said, Sir, that here is a Party which have discussed something within the *pardah*. This is a system which prevails throughout the whole world ; Party system of Government is everywhere run like this..... (*Interruptions*)although technically there is no community here as you say. Sir, even if the party sitting opposite had been in power they would have done the same thing.

Shri Sris Chandra Chattopadhyaya (East Bengal : General) : It may be a religious lecture.

Mr. Ghyasuddin Pathan : I was more than surprised that Mr. Datta failed to realise that three stalwart members of his party, including the Leader of the Opposition of the Legislature was a party to this Report and put his signature along with two other Honourable Members, namely, Mr. Prem Hari Barma and Mr. Kaminj Kumar Datta. After all this, they are laying all the blame at the door of the people who are sitting on this side—that they committed a fraud by discussing the report within the *pardah*. This does not stand to any reason.

Mr. Prem Hari Barma (East Bengal : General) : In their party, not in the committee.

Mr. Ghyasuddin Pathan : He has gone to the length of saying after the Report given by Mr. Abdullah al-Mahmood that—I cite the very words, Sir,—“you have treated us with contempt”. Sir, this is an ailment which has no medicine. I should like Mr. Datta to remember the Bengali saying. Its English translation would be that the tiger of the mind is more ferocious or dangerous than the tiger of the forest. If you have got always your suspicions in your mind there is no medicine on the face of the earth to cure it. He has expressed his anxiety also, Sir, about the interests or about the shares to be taken by all the Provinces, of the loaves and fishes, privileges, advantages and disadvantages, etc.

Shri Sris Chandra Chattopadhyaya : You have been talking about them for the last one month.

Mr. Ghyasuddin Pathan : I can say that in this Committee there were persons who are not less patriotic than Mr. Datta. They also belong to the same soil of East Pakistan and they yield to none in their patriotism for their own Province ; so I think the interests of the Provinces did not suffer at their hands.

Sir, while passing over to the remarks on taxation and other things, which will be tackled by the Honourable Ministers concerned, I would like to come to his arguments about joint electorate. This point has been dilated upon by other Honourable friends sitting opposite also. Sir, I have bestowed my best thoughts on it, although this matter was thrashed in full about a year ago on the floor of this House and a decision taken. I have over again bestowed my thoughts on it. Sir, the results of my reconsidering the matter are as follows. I will try to sum them up in a few points.

Firstly, Sir, the proposal for joint electorate sounds well and appeals to sentiment. There is no doubt about it and the psychological effect that might come out of it is also a thing which appeals to one's sentiment, but, Sir, we are to see whether in the present context of things it is practicable and expedient or not. Sir, unity of Hindus and Muslims or, more technically it may be called the Hindu-Muslim unity, were familiar words in the days of united India movement when the Hindus and Muslims were under practically the same flag and were the common soldiers of that familiar movement. I still remember—and the slogans are still dinning into my ears—the words of a speech delivered by my Honourable friend, the Nawab Bahadur of Dacca, at a joint meeting held in Dacca in those days. I only quote half a sentence of the speech. He told the audience that “the Hindus and Muslims are the two eyes of the same mother”. But, Sir, in practice ultimately we could not translate all our dreams into action. If all these dreams were realised, there would not have been one India and another Pakistan. Therefore, we should see things from a practical point of view. If all our sincere efforts in the past for a united India failed, my friend should not try to convince us now that there is still a possibility. When our attempts have just failed, it is not the opportune moment to make it realisable—just at this moment.

Secondly, Sir, joint electorate just at this moment for Pakistan may be an instance, if I am allowed to say, to justify the injustice that has been done to the minorities of India. It may be a good instance to justify the injustice that has been done to the minorities of India by a joint electorate. Well, my friend will at once come forward and say that minorities of India have swallowed this pill and they are enjoying the franchise and they are quite happy. But the whole world knows how things stand and the less said about them the better. I would also like to put one question to my friend. My friend, Mr. Nurul Amin, said that Mr. Prem Hari Barma, who is a leader of the Scheduled Castes—a very good gentleman ; we know him to be a very nice gentleman of amiable behaviour ; at least we know nothing against him—failed in the election. Will anybody make an answer as to why he failed in the elections.

Mr. Prem Hari Barma : Because I was in the Muslim League Ministry.

Mr. Ghyasuddin Pathan : Now my friend wants to make the House believe that it was due to his connection with the Muslim League that votes went against him. Sir, I would like to put another question to

[Mr. Ghyasuddin Pathan]

him. What happened to Mr. Ambedkar? Can anybody challenge the genius of this gentleman? He is not only famous in this part of the world, but he is a man of international fame. What offence did he commit that as a result of joint electorate a man of his reputation could not come out successful in the elections? From all these, Sir, I would like to sound a note of warning to the Scheduled Castes, who not realising the implications of it, are now siding with the Caste Hindus and advocating the cause of joint electorate.

Thirdly, if by chance when joint electorate is there the majority of the candidates of the minority community do not come out successful in the elections, then my friend Mr. Datta will at once change his voice and will blame the majority community that by manipulations they have managed this show and they managed it in such a way that the candidates of the minority community could not pass. So, Sir, from that point of view also joint electorate at this time is not justified.

Fourthly, Muslims are advocates of real democracy. I am proud to tell my friends like this. So, will it not be difficult for the minority members to express their views freely on the floor of this House, as well as outside, with the knowledge that a large number of their votes is Muslims. I think the very idea that they represent a Muslim constituency also and a large number of Muslims are there, voters will stand as a real impediment in their way to the free expression of their views on the floor of this House as they have been doing. So on that ground also at this moment I say that joint electorate is not justified.

Sir, I am told that in the Union Board election not a single Hindu could come out successful in the joint electorate. To be more frank, time is not yet ripe for it. During the last six years, not all of you have become *dewatas*, nor everyone of us has become angel. So we must face facts as they are and adjust ourselves to the circumstances that prevail.

Fifthly, Sir, in spite of our attempts to protect the minorities and safeguard their interests, allegations and even false allegations are made against the Muslims from localities where Hindus are in minority. Sir, at the time of elections, there is bound to be some heat and this heat will not be limited to exchange of hot words between the parties, but sometimes there may be breaking of heads and it is not unlikely that this breaking of heads may include some heads of the minorities also. At that time there may be many from amongst the minority community who would come forward with allegations of communal riot. They would certainly try to give these incidents a colour of communal riot. So, Sir, this is another ground on account of which at this moment joint electorate is not justified. There are many other reasons which I do not like to disclose on the floor of this House for which joint electorate is not justified. But, Sir, if my friends will tax their memory and review the past, they will better understand what was the position only yesterday. If they think in their cool moments, the demand for joint electorate at this moment will not appear to be justified. I do not say that there is no meaning in it. As I have already said, it sounds very well, a time may be coming for it—it is only a question of time—when there will be full justification for joint electorate, but this is not that moment.

Now, I come to Mr. Chakraverty. Sir, as you know, he is a professor. I refer to his speech, which reads:

“I do not think the Members of the Muslim League Party in coming to this settlement have shown sufficient vision or sufficient foresight or sufficient democratic spirit which was expected of them.”

Sir, I can only tell him that if the Muslim League Party members have not got sufficient vision, sufficient foresight or sufficient intelligence, because there are very few professors on our side, my friend having better vision, better intelligence and higher integrity and more foresight, is invited to come forward with his constructive suggestions because in this House in the past in many a useful piece of legislation this side of the House accepted all reasonable suggestions given by the Members of the Opposition. My friend has also tried to convince this House that no check against one zone gaining upper hand on the other would be necessary. Sir, it also sounds very well, but whether it is possible, practicable or not, remains to be seen. Let us face facts as they are and from our past experience we should have our lesson. Sir, if the people who will come next to us or the future generation be so liberal, they can do away with this part of the constitution and frame a constitution befitting the time to keep pace with the time. My friend also apprehends that all these fifty people of the Upper House will act against the interest of the public. Sir, I request him to realise that those days are gone. History being nothing but the outcome of human action, I daresay, I want to declare that the Pakistanis living during this time will create a new history by their own actions.

I would also in this connection draw my friends' attention to the remarks made by Mr. Kamini Kumar Datta. He has said that the same very political party will select candidates both for the Lower House as well as for the Upper House, so there will be no difficulty. About abolition of Zamindari my friend has said that all these fifty people will stand against it in order to safeguard their own vested interests. But, Sir, I would like to tell him that if abolition of Zamindari in the face of opposition was possible in Bengal, where the people of the vested interests were sucking the life-blood of the poor peasants for generations, I do not understand why the same will not be possible in West Pakistan. Zamindari will be abolished. We will be true to our declaration. I do not understand why my friend said that it is impossible. I do not think there is anything impossible under the sun. He is a professor and he knows that "impossible" is a word which is found in the dictionary of fools. It should not find a place in the dictionary of professors who are the creator of the future generation.

Next, Sir, I come to Mr. Kamini Kumar Datta. I heard his speech from the beginning to end and with full attention. Some of his remarks, particularly with regard to the portion dealing with controversial matters—budget, money bills, etc.—in my opinion deserve serious consideration by members of all section of the House. Whilst speaking on behalf of the minority he remarked :

"I shall come to the fold of the League if you do away with the word 'Muslim' and make it 'Pakistan League'."

Not only :

"I will come but many men belonging to our camp will come."

I can tell him with all respect that nobody has got right to omit the word "Muslim" because it is Muslim League which is the creator of Pakistan. So, it will be better for my friend.....

Prof. Raj Kumar Chakraverty :to become a Muslim !

Mr. Ghyasuddin Pathan :to remain within his fold and remain in the organisation to which he belongs. The advice so kindly tendered to us is not acceptable.

[Mr. Ghyasuddin Pathan]

Sir, in showing his anxiety for the future good of Pakistan he has also hinted about the loyalty of the people of the minority community. I can only tell him that if all the people were Kamini Kumar Datta, there would have been no trouble.

Prof. Raj Kumar Chakraverty : Your Chief Minister just now questioned the loyalty of everyone.

Mr. Ghyasuddin Pathan : Sir, now I come to Sardar Shaukat Hyat Khan. He is not here. I must refer to the points raised by him although unfortunately he is not in the House. I wish I could speak without restraint as he does. But the members of this side of the House are expected to be more responsible. I wish from what I have heard him speak I could call him an 'irresponsible' speaker. Deserting party after party my friend has, I think, lost all regard for principles. The other day he was trying to invoke the sympathy of the Opposition by advocating the cause of joint electorate and I was very much surprised to see that even the octogenarian leader sitting by his side began to clap. The clapping occurred when he was saying that the report was framed by a majority of votes. He was saying that all these principles have been evolved by us by a majority of votes. Sir, I will remind my old friend for whom I have got very great regard that is it not a fact that you were a signatory to it? What was the justification in clapping when you were a party to it, including two other friends belonging to your camp.

Sir, Mr. Shaukat Hyat Khan has gone to the length of saying that these people have done so much injury in the past and they will be doing injury in the future also. Sir, all attempts of this Government have failed to make good things intelligible to Mr. Shaukat Hyat Khan. He will never understand. This reminds me of a *Hadis* of *Rasul-il-Lah* :

Ma'in yahd-il-Laho falla mudilla lahu.

Wa ma'in yadl-il-Laho fala hadiya lah.

One who is guided by Allah never goes astray and one from whom He withholds His guidance never treads the path of righteousness.

So, Sir, a man who is determined not to understand, will not understand.

Some Honourable Members : This is from the Holy Quran.

Mr. Ghyasuddin Pathan : I am sorry. This is from the Holy Quran. There is another verse from the Quran where it is said :

Lahum quloob-un la yafqahoona beha ; lahum

a'yun-un la yubciroona beha ; lahum a'zan-un la yasmao'ona beha.

They possess minds but they refuse to understand ; they have got eyes but they do not try to see with them ; they have got ears but they do not listen with their help.

So, Sir, a man who is determined not to understand a thing, whether it is good or bad, there is no power on earth to make him understand. As I have already said, that by deserting party after party, he has lost all faith in principle. He is, in a word, a rolling stone which gathers no moss.

Next, Sir, before I sit down, I think I owe something to my dear friend Mr. Nandy who almost at the fag-end of his speech made some uncalled for remarks about the Muslim League. He says that the Muslim League has no right to represent the people of Pakistan. May I ask him through you, Sir, which is the other organisation which has got the right to represent the people? I think the answer will be a no, or he will keep mum over it. So, Sir, the Muslim League which created Pakistan is the only body who can have that claim.

Mr. Bhabesh Chandra Nandy: Not the Muslim League with Mr. Ghyasuddin Pathan as the Joint Secretary.

Mr. Ghyasuddin Pathan: If this Muslim League has not got the right to represent Pakistan I do not understand what other organisation is there to make that claim. As I said in the middle of my speech, there was a time we subscribed to your views and we conducted a joint movement. But, that National Congress—whether you call it Pakistan Congress or the National Congress—that very Congress failed to deliver the goods and then the Muslim League had to come into existence and deliver the goods. Through the efforts of that Muslim League the Muslims realized their dream for separate homeland. Now, Sir, he has also said that there is no unity among the Muslim League leaders. I do not know what he means by that. I challenge that statement. There is no group or party among the Muslim League block. If he means that there is one gentleman in Bengal who disagrees with the Muslim League party then I can tell him that this Mr. Fazlul Haq, even when he posed himself as a Muslim Leaguer was never a Muslim Leaguer. He carried the Muslim League into one pocket and Krishak Samiti in the other pocket. But the Quaid-i-Azam, being a shrewd politician could discover his game and he could easily understand him. It was not Mr. Fazlul Haq who could deceive the Quaid-i-Azam but it was the latter who saw through his game. It was not Mr. Fazlul Haq who bluffed Quaid-i-Azam but it was Quaid-i-Azam who paid to him in his own coins and dealt with him properly.

Mr. Bhupendra Kumar Datta: Who was the author of the Pakistan Resolution at Lahore.

Mr. Ghyasuddin Pathan: So I say he carried the Muslim League into one pocket and the Krishak Proja Samiti into another and now in the end he has reverted to the same Krishak Proja Samiti which was still in his bosom.

Mr. Bhupendra Kumar Datta: And some day you may be going into his pocket.

Mr. Ghyasuddin Pathan: No. These are the allegations made by my friend Mr. Nandy. But I was not expecting him to be so irresponsible in making these allegations on the floor of this House. It was unexpected of him to have made such allegations. My answer is, well, the Muslim League is the representative body of Pakistan Muslims and it has got that right and as this Muslim League created Pakistan it has got the right particularly to represent the view of the whole of Pakistan, the right to represent the view of the majority in Pakistan.

So, Sir, I also advise him that he should kindly oil his own machine. He should not give any advice to us saying that there is a party feeling amongst you but he should oil his own machine and try to adjust himself to the circumstances prevailing in the State of Pakistan and if he is once able to adjust himself he would be able to carry on properly.

(Interruption from Congress Benches)

Mr. Ghyasuddin Pathan: Sir, by adjusting himself to the circumstances I think not only Mr. Datta and Mr. Nandy but all the members of the minority community would be able to create a better atmosphere. In fact they should be loyal to Pakistan in the same way as they are and as we expect them to be. Sir, the policy of—

Moonh per ram ram aur baghal main ee'int.
A wolf in sheep's clothing.

[Mr. Ghyasuddin Pathan]

will not do in Pakistan. Those people who pose themselves as real Pakistanis and want us to believe that they are loyal citizens should prove it by their own actions. I feel there are still people with their body in Pakistan and their heart and soul is India. Sir, there are people like that. They cannot be regarded as similar type of patriots as we are here. So, Sir, my friend should not shut his eyes to the realities.

Mr. President : Please confine yourself to the report.

Mr. Ghyasuddin Pathan : I would like them to attend to this.

Mr. Bhabesh Chandra Nandy (East Bengal : General) : His body is here and his soul is in Arabia.

Mr. Ghyasuddin Pathan : I am very very much disappointed to see that some of the speakers have gone to the length of criticising things which did not fall within the purview of our criticism, i.e., the Basic Principles Committee's Report. Some of the speakers, I do not want to name them, have gone to the length of criticising the administration of the Chief Commissioner, Karachi and some have even dragged in the Jinnah Hospital of Dr. Malik. They should criticise the Basic Principles Committee Report and not these matters. Well, Sir, these are things which are I think quite irrelevant. We should in fact pay our attentions to more important features of the Basic Principles Committee Report. With these few words, I end my speech.

Mr. M. H. Kizilbash (Khairpur State) : Sir, at the outset I would like to congratulate the Prime Minister on resolving the constitutional deadlock, which had been defying a solution for so long, and which threatened to engulf the country in bitter provincial jealousies and wranglings. The formula presented to the House by the Prime Minister has received the greatest measure of support from all sections of the country, and provides a sound framework into which the details of a suitable constitution can be worked out through deliberation, thought and understanding. The formula has opened the door to a discussion of the Basic Principles Committee Report. Both by their very nature provide a basis for detailed deliberation ; they form the beginning rather than the end of the constitutional process.

In that spirit I propose to offer a few comments on certain general points that have struck me as needing further thought and clarification. The first relates to the provision as first laid down in the Objectives Resolution, namely :

"Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Quran and the *Sunnah*."

That indicates beyond any measure of doubt that Pakistan's constitution shall be Islamic in content and spirit, which is as it should be, for Islam is not only the chief cause of the establishment of Pakistan, it is also the principal source of Pakistan's strength and life. In a striking manner the creation of Pakistan proved that Islam was not decadent but dynamic. We must see that the constitution in its details as we formulate them in this House from day to day reflects this dynamic character.

In keeping with this approach it will be necessary to incorporate definite assurances in the constitution that the different schools of thought in Islam will remain free to apply their interpretation in the ordering of the lives of their adherents and that no attempt will be made to impose views on the adherents of any school of thought, which is repugnant to their particular approach. I may add that assurances in this direction have in fact already been given by the former Prime Minister, Khwaja Nazimuddin, as well as by our present Prime Minister. In his speech on

the Basic Principles Committee Report in December last year while referring to the proposal for introducing compulsory teaching of the Holy Quran to the Muslims, Khwaja Nazimuddin had stated :

"The interpretation of the Holy Quran and the *Sunna* by one sect shall not be imposed upon another and that endeavour will be made to organize this education in a way that it does not militate against the belief and traditions of any particular set but that its own views in this matter are given the fullest recognition."

The Honourable the Prime Minister, Mr. Mohammed Ali, has reiterated this assurance in his opening speech to the present session of the Constituent Assembly. He stated that he had no doubt that the constitution which will be enacted by the House would fully reflect the ideals laid down in the Objectives Resolution and that no legislature would enact any law which would be repugnant to the Quran and *Sunnah*. To this he added the assurance :

"I wish to make it clear that there can be no question of imposing the views of one school upon another."

Thus in all legislative, educational and other matters affecting the different schools of thought in Islam no step will be taken which would prove to be repugnant to their respective beliefs. These assurances I am sure, have been welcomed by the different schools of thought. However, it will be necessary to formally incorporate these assurances in the constitution so as to provide concrete and permanent safeguards against any imposition of the views of one school over the other.

My next comment is in regard to the representation of the various units in the Federal Legislature. A clear indication in the Objectives Resolution was given in regard to the autonomy of the federating units. I believe, in the present circumstances, Pakistan's federal structure will require that the identity of viable federating units should be fully preserved in order to encourage local initiative in the various spheres of political, social and economic life. After safeguards have been provided for the over-all strength and unity of the State, and for effective co-ordination between unit and unit and between units and the Centre in all spheres that demand such co-ordination, decentralisation is the key to the development of healthy democratic institutions. In the Basic Principles Committee Report such federal units have been recognised, viz., East Bengal, Punjab, Sind, N.W.F.P., Tribal Areas, Bahawalpur, Baluchistan, Baluchistan States, Khairpur, and the Federal Capital. The new formula now presented to the House by the Honourable Prime Minister has, without changing the basic conception of these units, altered the manner in which they will be represented in the two Houses. Certain units have been grouped together as one unit for purposes of representation. Khairpur would have preferred to be grouped with Bahawalpur and Baluchistan rather than with Sind, and if a change can be made before the Constitution is finally framed, the people of Khairpur would appreciate and welcome it. The question that may have to be considered during the detailed discussion of this formula is : how far does this grouping affect the representation of these units as viable areas enjoying separate identity. There has been some loose talk that smaller units should disappear by being merged into other units. One hears for instance that Sind wants Khairpur to be merged with it. I am afraid that the instinct which prompts such a thought is largely acquisitive. It is not for Sind to decide what the people of Khairpur want. In a federal system the rights of each unit are fully safeguarded, and even the smallest unit has equal authority with other larger units. I may recall for instance the example of the U. S. A. where a small State like Delaware, with an area of 1,978 sq. miles and population of a little over 3 lakhs has equal

[Mr. M. H. Kizilbash]

representation with New York which has an area of 48,000 sq. miles and a population of over 15 million. Khairpur is bigger than Delaware both as regards area as well as population. It is for the people of Khairpur to decide whether they want to merge with another unit.

The application of the federating principle in our constitution—and I take it we are proceeding on the basis of a federal and not a unitary structure—necessitates that the federating units play an effective and lively role, and are enabled to contribute their best to the strength of the federation.

There are two more points which I would like to mention : position of non-Muslim minorities and the form of the oath.

I am sure it is in keeping with the best traditions of Islam that non-Muslims in an Islamic State should enjoy the fullest rights as equal citizens. In other words they should enjoy the same rights as are enjoyed by Muslims. There should be nothing in the constitution which will be repugnant to this conception. In regard to the oath I would say that the form should be uniform for all and should inspire a will to honour it according to the letter and spirit. I believe its present form needs to be reconsidered.

In the end I would like to emphasise once again that it is necessary to keep in view the need to develop a policy which will encourage the growth of a spirit of solidarity which will eventually override provincial considerations. Perhaps in our present situation we are framing a constitution with too great a consciousness of our limitations. The idea of parity between the East and West zones is no doubt based on the desire to keep the major provinces in a good mood. It is true that this solution was at the moment largely inevitable in view of the peculiar and unprecedented situation with which Pakistan is faced. Nevertheless I think we must keep in mind the need to develop a broader and longer vision and look forward to a future when all the citizens of Pakistan will think in terms of a true brotherhood and feel and talk as Pakistanis first rather than as Punjabis, Bengalis or Sindhis or as a matter of fact, as Hindus and Muslims, etc., and our approach to national problems will derive its motivation chiefly from larger political, economic and social considerations.

Moulavi Ebrahim Khan : Sir, I am sorry I am going to inflict a written speech on my Honourable friends. As a matter of fact, for this my honourable friends are responsible because I was tempted to it when I saw that they tolerated about 30 printed pages read out by Mr. B. K. Datta with perfect composure of mind.

Sir, I come practically towards the end of the tale of my honourable friends. Here I do not mean their tale with "i" but their tale with "e". The main field has thus been traversed and re-traversed many a time and on many a vehicle. I shall, therefore confine myself to some humble by-lanes, which have been slightly traversed by my honourable predecessors.

Sir, I propose to begin by offering some suggestions on certain recommendations made in the Basic Principles Committee Report. And they are given in number :

Firstly, the units constituting Pakistan have got their own problems peculiar to themselves. One unit is separated by an enormous distance. These are compelling considerations for conferring maximum autonomy on the Provinces, consistent of course, with the integrity of the centre. I do hope, serious thoughts will be given to these problems when the

report is considered clause by clause. I have not the smallest doubt in my mind that within the frame-work of an inspiring autonomy the units will develop much more quickly than in an withering weather of patronising care.

Secondly, clause 24 sub-clause (1) says that suitable provision should be made by act of the Federal Legislature for fixing the pay and allowances of the Head of the State according to the status and dignity of the Office.

Sir, to my mind, the Federal legislature might be safely entrusted with the task of making suitable provision for the Head of the State without insulting their intelligence by reminding them that the provision must be consistent with the status and dignity of the office. (*Hear, hear.*)

This is followed by a proviso that these pay and allowances "should not be varied to the disadvantage of an incumbent during his term of office".

We come across the same proviso again and again in some of the later clauses: namely, that the pay and allowances should not be similarly varied in the cases of the following persons as well:

Ministers, Deputy Ministers, Ministers of States, Parliamentary Secretaries, Advocate-Generals, Chairmen and Deputy Chairmen of the House of Legislatures...members of the Legislatures, whether belonging to the Centre or to the Unit.

The proviso, therefore, comes to this: the pay and allowances (the plural of the word 'allowances' is significant permitting it to embrace within its sweep any number of amenities free of all costs)—yes, the pay and allowances on these top-ranking persons of the State may increase during their tenure of office, but not a farthing will be deducted from their enviable emoluments even though their dear State of which they are the trusted custodians, may be visited by an alarmingly deficit budget, a decimating famine or a devastating war; and yet from all house tops we have been devoutly crying all these years of Pakistan's life that our ideal Caliph Omar lived in a cottage and dressed himself in tatters and that he gave up taking milk and butter the moment the news of an outbreak of famine in Jerusalem reached his ears.

Sir, let me make it perfectly clear that I have never harboured in my mind any conspiracy for putting coarse camel hair coats on our Ministers and other high dignitaries of the State at this belated hour. I have not done that for myself. We must maintain these important personages in all due honour and dignity; but for Heaven's sake, let there be an honest attempt at a reasonable approximation between what is professed and what is practised. Why should we propose to make them, so far as their remunerations are concerned, so completely inert and unresponsive to the varying fortunes of the people they are commissioned to serve? Let us honour them by all means, but let us not convert them into contradictions incarnate between profession and practice.

Now, Sir, if these high personages, our living ideals before our eyes, will not make any sacrifice from their salary and allowances in times of economic emergency, who will then make the sacrifice? Why, the poor clerks will do it! Some of them will be mercifully relieved of the burden of their job and will be sent home to arrange with their entire family for a quick march to paradise, and the allowances of others will be reduced to enable them to earn the piety of fasting. This has been actually done this year for the deficit budget.

[Moulvi Ebrahim Khan]

Sir, if we create the proposed privileged class, we may, I am afraid, be justly dubbed as conspirators bent upon self-aggrandisement—fit objects for those memorable lines of Iqbal :

*Man azeen baish na danam keh kafan duzday chand ;
Bahr-e taqseem-e quboor anjuman-e sakhta and.*

I know no more than that some wise shroud-lifting knaves,
Have formed a holy pact for dividing the graves.

Mr. Ghyasuddin Pathan : What about the M. C. As. ?

Moulavi Ebrahim Khan : Including them and Ministers.

Prof. Raj Kumar Chakravarty : Would-be Ministers also.

Moulavi Ebrahim Khan : Sir, I now come to clause.....

Mr. President : I think I may adjourn the House. You may begin your next point tomorrow morning.

Moulavi Ebrahim Khan : All right, Sir.

Mr. President : The House stands adjourned till 1 a.m. tomorrow.

The Assembly then adjourned till Eleven of the Clock, in the Morning, on Tuesday, the 20th October, 1953.